

COUNTY OF DEVON

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

REFUSAL OF PLANNING PERMISSION

To: **Mr Neal Jillings, Jillings Heynes Planning, 23 Southernhay East, Exeter, EX1 1QL**

Agent for: **Mr David Disney, c/o Agent**

Devon County Council hereby **refuses planning permission** to carry out the development described in the application received on **17 March 2017**, and the plans and drawings attached thereto numbered/titled: **60522390_ACM_LA_001, 60522390 ACM-LA-003, 60522390 ACM-LA-002, BTC16022 P_01 revision P2, BTC16022 SPA_01 revision P2, Waste Planning Statement June 2016, Supporting Planning Statement (John Luffman Group LTD), Landscape & Visual Appraisal January 2017, Environmental Management System, Transport Statement March 2017, Surface Water Drainage Strategy February 2017, Phase 1 Habitat Survey June 2016, Supporting Letter from Jillings Heynes Planning (dated 5th March 2017), Supporting Email Regarding Topsoil and Supporting Email regarding Brownfield Alternatives.**

brief particulars of which are as follows:

Recycling and soil screening/storage facility, land at 304445 114510, Sampford Peverell, Ayshford, Mid Devon

subject to the conditions set out in the attached sheets



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on behalf of the Head of Planning, Transportation and Environment

Date: 5 June 2017

NOTE

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Reasons for Refusal - Mid Devon District Council Application No. 17/00482/DCC
Devon County Council Ref. DCC/3963/2017**

1. The proposed development is located on agricultural land outside of the settlement boundaries defined in the Mid Devon Local Plan and does not enhance the character or appearance of the countryside, nor does it promote sustainable diversification of the rural economy, nor does it utilise previously developed land and is therefore contrary to policies COR18 of the Mid Devon Local Plan (Part 1 – Core Strategy) and DM20 of the Mid Devon Local (Plan Part 3 – Development Management Policies) as well as policies W3 and W16 of the Devon Waste Plan 2011 – 2031.
2. The development would have an unacceptable adverse impact on the qualities, distinctive character and setting of the local landscape and countryside, contrary to policy W12 of the Devon Waste Plan 2011-2031 and Policy DM2 of the Mid Devon Local Plan (Part 3 – Development Management Policies).
3. The adverse visual impact cannot be adequately mitigated by the proposed screening (particularly within the first 10 years following implementation) and the development is therefore contrary to policy W12 of the Devon Waste Plan 2011-2031 and Policy DM2 of the Mid Devon Local Plan (Part 3 – Development Management Policies).
4. The proposed development will result in the loss of grade 3a agricultural land and therefore is contrary to policy W16 of the Devon Waste Plan 2011-2031.

INFORMATIVE NOTE

Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.